

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ANTHONY MARTOCCIA AND GWEN YANDALL, SP 2012-DR-010 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit within an existing dwelling. Located at 9459 Deramus Farm Ct., Vienna, 22182, on approx. 19,597 sq. ft. of land zoned R-2 (Cluster). Dranesville District. Tax Map 19-3 ((17)) 24. Mr. Smith moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 23, 2012; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. The present zoning is R-2 Cluster.
3. The area of the lot is 19,597 square feet.
4. The Board is sympathetic to the concerns of the neighbors.
5. These are tough cases.
6. It is particularly a low impact for a house this size.
7. There are two people living in the primary dwelling, one tenant, and an agreement to limit the development condition to one tenant.
8. It would not be unusual to have far more people and more cars at a house of this size.
9. This will not set a precedent. The Board looks at these on a case-by-case basis.
10. If the by-right is compared to the post-special permit conditions, the conditions post-special permit would be less.
11. The Board is limiting it to one tenant. By right, there can be two.
12. The Board is requiring parking onsite. By right, parking can be on the street, which is not unusual in a subdivision.
13. The homeowners association may do some things with the covenants, and that is their prerogative.
14. The Board is looking right now at zoning issues.
15. It will not have an impact on property values.
16. Relative to the by-right, the Board is improving the situation as compared to what could be done by right in a residential district.
17. Parking has been addressed by requiring parking in the driveway.
18. With the conditions the Board has in place, the approval will be limited to this particular owner. If the property ever conveys, the special permit will no longer be in place.
19. As far as precedent goes, it will not even carry on if the property is conveyed.
20. It will be for a limited period of time of five years.

21. If there are any issues with it, the Zoning Administrator will be informed and consider whether to approve any extension to the development conditions.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant and title owners only, Anthony R. Martoccia and Gwen Yandall, and is not transferable without further action of this Board, and is for the location indicated on the application, 9459 Deramus Farm Court, (19,597 square feet), and is not transferable to other land.
3. A copy of this special permit **SHALL BE POSTED in a conspicuous place in the accessory dwelling unit** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
5. The accessory dwelling unit shall contain a maximum of 2,280 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
6. The accessory dwelling unit shall contain a maximum of one bedroom for a maximum of one occupant.
7. All applicable trade permits and final inspections shall be obtained for the kitchen components of the accessory dwelling unit within 120 days of approval of this special permit.

8. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
9. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory dwelling unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
11. All parking shall be provided on site as shown on the special permit plat.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Ms. Gibb seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Hammack were absent from the meeting.

A Copy Teste:



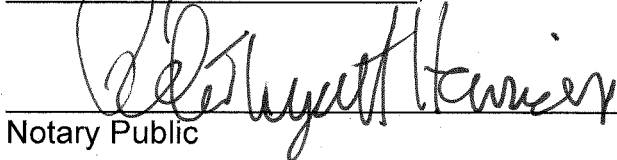
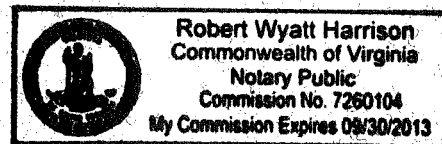
Kathleen A. Knoth
Clerk to the Board of Zoning Appeals

ACKNOWLEDGEMENT

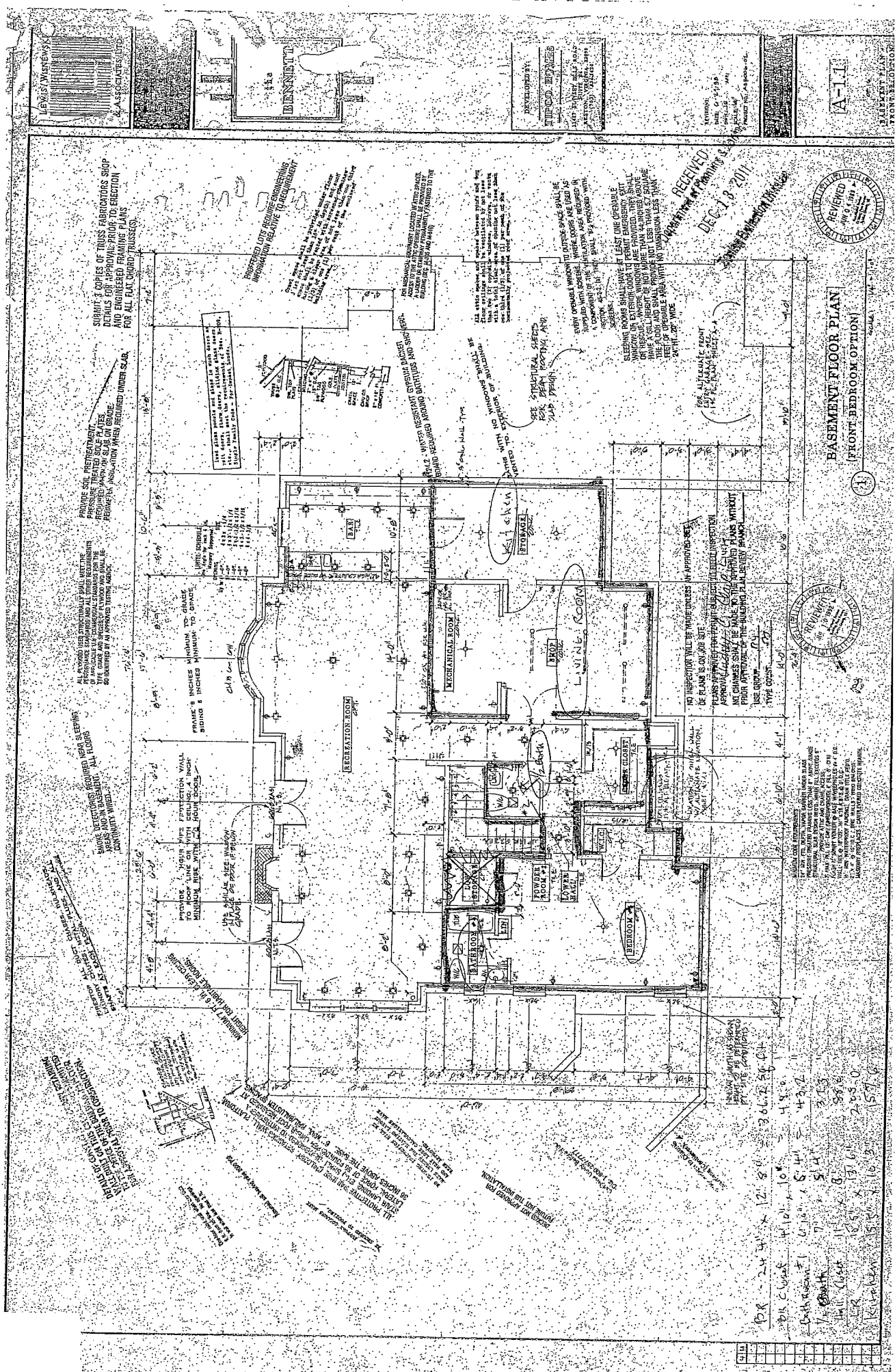
County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 30 day of

May, 2012.


Notary Public

My commission expires: 9-30-2013



A-1.1

BASEMENT FLOOR PLAN
(FRONT BEDROOM OPTION)

7. MAKE FULL 12" CURT (UNREINFORCED) AT FULL 0' 0" DIA
8. FURNISH 2" SLOTTED VENEER @ BASE W/ HORIZONTALS @ 4" O.C.
WALL - 116'S @ 12" DIA - 16" @ 18" O.C. @ 0' 0" DIA
10. ADD WATERPROOF PARCHING DRAIN TYPICAL @ 0' 0" DIA
21' X 4' @ 10' 0" C.C. PER WALLS & WIND BLM CHS.

6.11.3 2008-09-11

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